

REMARKS

In this Response, claim 24 and 31 are amended. No new matter is added by the amendments. Please cancel claim 30, without prejudice. Accordingly, claims 24-29 and 31-38 are pending in the present application. Applicant respectfully requests reconsideration of the application in view of the above amendments and remarks made herein.

I. Rejections Under 35 U.S.C. § 102

Claims 24-27, 30, 31 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,973,723, issued to *DeLuca* (hereinafter "*DeLuca*"), for the reasons set forth on pages 3-6 of the Office Action.

Applicant respectfully submits that *DeLuca* does not teach or suggest "determining when said undesirable program section ends, said determination comprising automatically comparing said program sequence while being transmitted with preceding program sections of said program sequence, said preceding program sections corresponding to program sections transmitted prior to said undesirable program section; automatically generating a second signal if at least one preceding program section is repeated", as recited in claim 24.

One aspect of the claimed invention is the suppression of the recording and/or reproduction of undesirable program sections of a program sequence transmitted by a transmitter to an entertainment electronic device. After an undesirable program section, a preceding program section of the program sequence may be repeated to facilitate the return for the viewers. In an exemplary embodiment of Applicant's invention, determining when an undesirable program section ends comprises automatically comparing a program sequence while being transmitted with preceding sections thereof, wherein a second signal is generated if at least one preceding section is repeated.

In contrast, *DeLuca* (col. 3, lines 19-29) discloses that the end of an undesirable program segment is determined by its length, about which information is stored. That is, *DeLuca* merely takes advantage of the fact that undesirable programs segments have a predetermined duration. *DeLuca* discloses that an alternate program is substituted for

the undesirable program segment and after a predetermined delay a return signal is generated to return to the originally established program. This clearly does not teach or suggest "automatically comparing said program sequence while being transmitted with preceding program sections of said program sequence, said preceding program sections corresponding to program sections transmitted prior to said undesirable program section; automatically generating a second signal if at least one preceding program section is repeated", as recited in claim 24.

Therefore, for at least the above reasons, *DeLuca* does not anticipate claim 24. Moreover, Applicant respectfully submits that inasmuch as claims 25-27, 31 and 38 are dependent on claim 24, and claim 24 is patentable over *DeLuca*, claims 25-27, 31 and 38 are patentable as dependent on a patentable independent claim. Withdrawal of the instant rejections is respectfully requested.

Withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

II. Rejections Under 35 U.S.C. § 103

Claims 28, 29 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of U.S. Patent No. 6,698,020, issued to *Zigmond et al.* (hereinafter "*Zigmond*"), for the reasons set forth on pages 7-9 of the Office Action. Claims 32, 33 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of *Zigmond* and further in view of U.S. Patent No. 6,483,987, issued to *Goldschmidt Iki et al.* (hereinafter "*Goldschmidt*"), for the reasons set forth on pages 9-11 of the Office Action. Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeLuca* in view of *Goldschmidt* for the reasons set forth on pages 11-12 of the Office Action. Applicant incorporates by reference the arguments made above in connection with the rejections under 35 U.S.C. § 102(e).

Applicant respectfully submits that neither *Zigmond* nor *Goldschmidt*, alone or in combination, teaches or suggests "determining when said undesirable program section ends, said determination comprising automatically comparing said program sequence while being transmitted with preceding program sections of said program sequence,

said preceding program sections corresponding to program sections transmitted prior to said undesirable program section; automatically generating a second signal if at least one preceding program section is repeated", as recited in claim 24.

Zigmond discloses techniques for the insertion of advertisements into a video programming stream. *Zigmond* (col. 15, lines 24-25; col. 16, lines 46-48) discloses that when a switching decision unit (88) identifies a triggering signal, it prompts a video switch (90) to interrupt display of a transmitted video program and to insert in its place a selected advertisement from an advertisement repository (86). In *Zigmond* (col. 4, lines 41-45), the triggering event to indicate when to display the selected advertisement is a signal carried in the video programming feed, implied by the timewise structure by the video feed, or based on information contained in an electronic program guide.

Therefore, *Zigmond* discloses that an *advertisement repository contains selected advertisements to be inserted in a transmitted video program using a triggering event*. *Zigmond* does not teach or suggest "determining when said undesirable program section ends ... comprising automatically comparing said program sequence while being transmitted with preceding program sections of said program sequence, said preceding program sections corresponding to program sections transmitted prior to said undesirable program section; automatically generating a second signal if at least one preceding program section is repeated", as recited in claim 24. Therefore, *Zigmond* fails to cure the deficiencies in *DeLuca*.

Goldschmidt (col. 5, lines 45-65) discloses that a broadcast data analyzer (330) monitors broadcast data for commercial indicators and program indicators, wherein a commercial indicator is a message in the vertical blanking interval, a fade to black, or an increase in the volume signal. *Goldschmidt* does not teach or suggest "determining when said undesirable program section ends ... comprising automatically comparing said program sequence while being transmitted with preceding program sections of said program sequence, said preceding program sections corresponding to program sections transmitted prior to said undesirable program section; automatically generating a second signal if at least one preceding program section is repeated", as recited in claim 24. Therefore, *Goldschmidt* fails to cure the deficiencies in *DeLuca* and *Zigmond*.

Therefore, for at least the above reasons, claim 24 is patentable and non-obvious over the combination of *DeLuca*, *Zigmond* and *Goldschmidt*. Applicant respectfully submits that inasmuch as claims 28, 29 and 32-37 are dependent on claim 24, and claim 24 is patentable and non-obvious over the cited references, claims 28, 29 and 32-37 are patentable as dependent on a patentable independent claim.

In view of the foregoing, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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